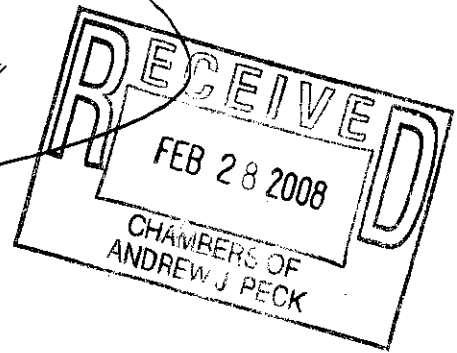


USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#
DATE FILED: 2/28/08

07-CV-4688



Dear Sir enclosed is a copy of my D.N.A result from the Division of Criminal Justice Service and it does not match what the D.A says is my D.N.A. I've checked it with all the D.N.A paperwork and the numbers don't match sir. I can't have two or three different results. These test are recent so can you help me sir. Or do you recommend I send this to the Innocence Project, if so please send these documents back to me.

Sincerely
Elbert Mitchell

MEMO ENDORSED 2/28/08

These results alone mean nothing. And as I have previously advised you, you cannot bring a habeas corpus in federal court as an issue that you did not first raise in state court. You should bring a claim, your previous, in state court. And perhaps the Innocence Project could help you.

SO ORDERED:

Hon. Andrew Jay Peck
United States Magistrate Judge

BY FAX

cc: [unclear] Party/Counsel (fax)
John Swain



STATE OF NEW YORK
DIVISION OF CRIMINAL JUSTICE SERVICES

Four Tower Place
Albany, New York 12203-3764
<http://criminaljustice.state.ny.us>

DENISE E. O'DONNELL
COMMISSIONER

GINA L. BIANCHI
DEPUTY COMMISSIONER
AND COUNSEL

February 14, 2008

Mr. Elbert Mitchell (#89-A-0453)
Southport Correctional Facility
P.O. Box 2000
Pine City, New York 14871-2000

Dear Mr. Mitchell:

This is in response to your letters in which you requested a copy of your DNA Databank Submission Form and a copy of the results of your DNA testing.

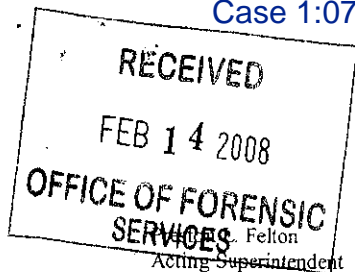
Enclosed please find a copy of your DNA Databank Submission Form and the results of your DNA testing.

Very truly yours,

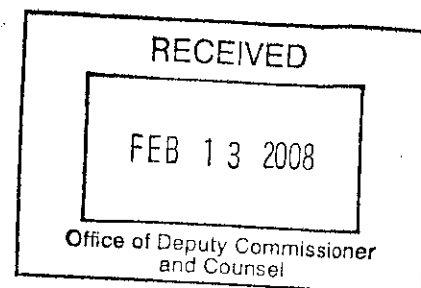
A handwritten signature in black ink, appearing to read "Gina L. Bianchi".

Gina L. Bianchi

Encls.



**NEW YORK STATE POLICE
FORENSIC INVESTIGATION CENTER**
Building 30
1220 Washington Avenue
Albany, New York 12226-3000
(518) 457-1208



February 11, 2008

Ms. Gina L. Bianchi
Division of Criminal Justice Services
Office of Forensic Services
4 Tower Place
Albany, New York 12203-3702

Dear Ms. Bianchi:

The New York State DNA Databank developed the following DNA profile:

Specimen ID #10027896

Locus	D3S1358	VWA	FGA	D8S1179	D21S11	D18S51	D5S818
Alleles	14, 16	15, 16	21, 24	13, 15	28, 29	15, 18	12, 13

Locus	D13S317	D7S820	D16S539	TH01	TPOX	CSF1PO	Amelogenin
Alleles	11, 13	10, 12	12	7	9, 10	10, 13	X, Y

Attached please find a copy of the DNA Databank Specimen Submission Form.

Supervisor of Forensic Services
Forensic Investigation Center

PW:paw
cc:file

FAX TRANSMITTAL SHEET



**ANDREW J. PECK
UNITED STATES MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT**

Southern District of New York
United States Courthouse
500 Pearl Street, Room 1370
New York, N.Y. 10007-1312

Fax No.: (212) 805-7933
Telephone No.: (212) 805-0036

Dated: February 28, 2008

Total Number of Pages: 4

TO	FAX NUMBER
Susan Gliner, Esq. Nicole Beder, Esq.	212-335-9288

TRANSCRIPTION:

MEMO ENDORSED 2/28/08

These results alone mean nothing to me. And as I have previously advised you, you cannot bring a habeas claim in federal court on an issue that you did not first raise in state court. You should bring a claim, pro se if necessary, in state court. And perhaps the Innocence Project will help you.

Copies to: Elbert Mitchell (Mail)
Judge Laura Taylor Swain